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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,348	05/25/2000	Christopher E. Pearce	062891.0405	7459
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER NGUYEN, HANH N	
			ART UNIT 2416	PAPER NUMBER
			NOTIFICATION DATE 08/18/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

09/579,348

**Applicant(s)**

PEARCE ET AL.

**Examiner**

Hanh Nguyen

**Art Unit**

2416

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-99 is/are pending in the application.
- 4a) Of the above claim(s) 75-99 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 8-13 and 54-58, 60-65, 68-72 is/are rejected.
- 7) ☒ Claim(s) 59, 66, 67, 73 and 74 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

In view of the Appeal Brief filed on 04/20/09, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/KWANG B. YAO/

Supervisory Patent Examiner, Art Unit 2416

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 54, 57, 59, 61, 64 and 66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 59, 66, is " the device" on line 5 referred to " at least one device" on line 3 ?

In claims 54, 61, is " call manager" on line 7 referred to " a first call manager" or " a second call manager" on line 6 or any call manager ?.

IN claim 57, 64, it is not clearly addressed at " the first call manager to receive a response from the device to a polling message transmitted to the device by the first call manager".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9, 10, 11, 12, 13, 54, 55, 56, 58, 60, 61, 62, 63, 65, 68, 69, 70, 71, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al. ( US Pat. 6,205,557B1) in view of Kung et al. (US Pat. 6,671,262 B1).

In claims 8, 54, 61, Chong et al. discloses a method for device registration replication ( see col.1, lines 35-40, a redundant call processing system that ensures call processing in the event of a failure of an active call server by maintaining in a standby

call server the same information regarding the call as the active call server) comprising: providing a plurality of call managers in a signaling-based network ( see fig.3, col.2, lines 55-60 and col.3, lines 20-25; active call server 140 and standby call server 141 in signaling network 102) each call manager controlling one or more devices coupled to the signaling-based network (see fig.1, col.2, lines 25-30 and fig.3, col.2, lines 55-60; calls from telephones 11 to telephones 12 are routed through switching network which comprises active call server 140, standby call server 141) and storing composite registration information associated with the devices controlled by the plurality of call managers (see col.3, lines 20-25, each of call servers 140, 141 acts as standby call server for each other. In fig.4, col.3, lines 62-67 and col.4, lines 20-40 and col.4, line 66 to col.5, line 4; call information that is stored in active call server 140 is also copied into standby call server 141); determining that a first call manager has gone off-line ( see fig.5, col.5, lines 20-24, interface server 120 determines that the active call server 140 has failed); and deleting registration information associated with the first call manager from the composite registration information stored by a second call manager( since the claim does not indicate whether the first call manager or the second call manager deletes registration information, therefore; examiner relies on fig.5, col.5, lines 30-34 and fig.4; col.4, lines 44-48 which discloses that in the active call server 140, call information is deleted and a message is also sent to standby call server 141 to delete the call information).

Since the switching network 100 of Chong et al. is SS7 signaling network, therefore; examiner relies on Kung et al. which discloses in fig.1, multiple IP central

stations 200, each of which includes a call manager 218, and coupled to IP network 120 ( see col.5, lines 30-34 and fig.2, col.6, line 62 to col.7, line 2). The IP central station 200 is capable of connecting to either SS7 170 or IP network 120 ( see fig.2, col.6, lines 20-30), and in fig.13, col.36, lines 10-60; the call managers can switchover to another call manger when one of them fails or does not have enough resource to provide service to a new call. Therefore, it would have been obvious to combine the teaching of coupling call mangers to IP network 120 into the invention of Chong et al. to provide a packet -based network in which call servers can act as backup and active call servers by storing the same call information controlled other call servers in the IP network.

In claims 10, 70, 71, Chong et al. does not disclose determining that a first call manager has come on-line and communicating local registration information associated with devices controlled by a second call manager from the second call manager to the first call manager. With the similar redundant concept addressed in the rejection of claim 8 above, it would have been obvious that when the call sever 140 is determined by interface server 120 in fig.5 that the call server 140 has been restored from its failed status, then the call server 141 would copy the call information to call server 140 and delete call information associated the call server 141.

In claims 9,11, 69, Chong et al. does not disclose transmitting a polling message from the second call manager to the first call manager over packet-based network, and failing to receive a response from the first call manager. Kung et al. discloses determining that a first call manager has gone off- line ( see fig.13, step 1303, 1305;

determining the call manager 218 is unavailable due to not enough resources) comprises: transmitting a polling message from the second call manager over the packet-based network directed to the first call manager ( fig. 13, steps 1307, 1315; polling central servers CS associated with the call manager as well as communicating with other call manager to determine their availability); and failing to receive a response from the first call manager, the first call manager having previously responded to a polling message from the second call manager ( see fig. 13, after steps 1315, 1317 brings result "NO" indicates no central servers associated with other call managers is available).

Therefore, it would have been obvious to combine the teachings of Kung et al. with that of Chong et al. to determine whether the active call server is active or not by polling a message between the call servers.

In claim 12, Chong et al. discloses communicating local registration information from the first call manager to the second call manager; and combining the registration information received from the first and the second call managers to form composite registration information stored by the first call manager (see col.4, lines 20-40; copying call information from active call server 140 to standby call server 141 and updating call information at active call server 140). There is not communication from a third call manager to the first call manager. Kumar discloses above in claim 8, that in each central station IP 200, there is a call manager 218. The system 1 ( fig. 1) of Kumar describes a plurality of IP central station 200. Therefore, it is understood that there are more than two call managers 218 communicating registration information from each other including between the third call manager and the first call manager. With similar

concepts, each call manger 218 stores registration information of other devices or other call mangers ( communicating local registration information associated with devices controlled by a third call manager from the third call manager to the first call manager; and combining the registration information received from the second and third call managers by the first call manager to form the composite registration information stored by the first call manager). Therefore, it would have been obvious to combine the teachings of Kung et al. with that of Chong et al. to have a redundant processing system by maintaining the same call information in both active call server 140 and standby call server 141.

In claim 13, 55, 56, 62, 63, as descibed in the rejection of claim 8, Chong et al. discloses adding local registration information to the first call manager storing the composite registration information (see col.4, lines 19-27; call server 140 updates the call information, modifies the current call information , and replaces the current call information with a new call information. The updated call information is stored in register 190 of fig.4).

In claims 58 and 65, Chong et al. discloses the composite registration information comprises: local registration information associated with devices controlled by the second call manager storing the composite registration information (see fig.4; col.4, lines 20-27; call server 140 includes updates call information and stores the call information in register 190); and remote registration information associated with devices controlled by other call managers (see col.4, lines 27-40; stanby call server 141 receives copied call information from active call server 140).



In claim 60, Chong et al. discloses the composite registration is stored in the register 190 of call server (see col.4, lines 18-27; storing call information in register 190) which is also included in database 103 or 104 ( see col.2, lines 52-60; database 103 includes call server 140, 141 ), but does not disclose the register 190 comprises or is a registration information table. It is well-known skills to one skilled in the art that a storage such as a table used to store call information in the register 190 should be achieved.

In claim 68, the limitations of thses claim has been addressed in claim 8 and 14.

In claim 72, Chong discloses communicating local registration information from the first call manager to the second call manager ( see fig.5; col.5, lines 10-20; active call server 140 copies xcall information via line 123 to standby call server 141); but the local registration information is not communicated from the third call manager. Kung discloses a plurality of central stations 200, each comprises a call manager 218 ( see claim 8). Therefore, there would have been obvious to communicate local registration information from any call manager including a third call manager to the first call.

#### ***Allowable Subject Matter***

Claims 59, 66, 67, 73 and 74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 is allowed.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kung et al. ( US Pat. 6570855 B1);

Chu et al. ( US Pat. 6,006,331).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30PM. The examiner can also be reached on alternate.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao, can be reached on 571 272 3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hanh Nguyen/

Application/Control Number: 09/579,348  
Art Unit: 2416

Page 10

Primary Examiner, Art Unit 2416.